Amendments to the Claims:

1. **(Currently Amended)** A method of transfer of a call connection connecting a telecommunications base station and a mobile user terminal between dedicated channels in both directions therebetween and shared channels in both directions therebetween, comprising:

determining the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween;

determining a value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay; and

deciding, dependent upon said value and upon said amount or rate, to make the transfer~~.~~;

wherein the decision to transfer is made dependent also upon whether or not the shared channels operate such that an acknowledgement of receipt is sent on receiving data.

2. **(Original)** A method of transfer of a call connection according to claim 1, in which for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels.

3. **(Original)** A method of transfer of a call connection according to claim 1 or claim 2, in which for a dedicated channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels.

4. **(Canceled)**

5. **(Original)** A method of transfer of a call connection according to claim 1, in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard.

6. **(Currently Amended)** A telecommunications system comprising a base station and a mobile user terminal, the base station and the user terminal being in use in call connection over dedicated channels or shared channels,

the base station comprising decision means, a channel allocator, and a processor,

the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween, and also dependent upon the value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay, the parameter value being determined by the processor~~.~~:

wherein the decision means is operative to control the transfer dependent also upon whether or not the shared channels operate such that an acknowledgement of receipt is sent on receiving data.

7. **(Original)** A telecommunications system according to claim 6, in which in use, for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels.

8. **(Original)** A telecommunications system according to claim 6, in which in use, for a dedicated channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels.

9. **(Canceled)**

10. **(Original)** A telecommunications system according to claim 6, in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller and Node B, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard.

Status of the Claims

Claims 1-10 have been rejected under 35 USC102(e) for lack of novelty over Wallentin.

Claim 1

Amended claim 1 is a combination of previous claims 1 and 4 subject to some relatively minor clarifications of wording. Claim 1 has been amended so as to further clarify the distinction over Wallentin.

Amended claim 1 requires "the decision to transfer is made dependent also upon whether or not the shared channels operate such that an acknowledgement of receipt is sent on receiving data".

This feature is not taught nor suggested by Wallentin. Referring to the particular passages cited by the Examiner, Wallentin column 10 lines 1-17 states:

> Another example method for determining whether to switch from a dedicated radio channel to a shared radio channel is now described. After a last amount of data to be sent is transmitted, (e.g., the transmit queue is empty), a predefined time period is monitored. If a new data packet is not received at the end of that predetermined time period, then the dedicated channel is released, and a new shared channel is allocated to the connection. The predefined time period may be determined based on one or more parameters including, for example, a number of available or idle channel resources which may include the number of idle base station receivers. If there is no idle base station receiver, a dedicated radio channel cannot be assigned. However, the connection can be assigned to a shared radio channel. Another factor that may be considered in a CDMA system is the number of idle spreading codes for downlink communications.

Wallentin column 11 lines 1-20 states:

> corresponding mobility management scheme. The dedicated radio service employs handover as the mobility management scheme. The shared radio service using a temporary dedicated channel and the shared radio service for forward and random access channels both employ cell update mobility management schemes. However, the paging channel/random access channel shared radio service uses a routing area update mobility management scheme.
>
> As packets are sent over the connection, the flow of packets is monitored and evaluated, and if appropriate, a new connection state is selected. Based on downlink (DL) packet flow measurements and uplink (UL) packet flow measurements, the radio access network may initiate a connection state change on either or both the downlink and the uplink. The mobile terminal may also initiate a connection state transition based upon packet flow measurements on the uplink between the various shared radio services. When the connection is released by the core network, the

radio access network, or the mobile terminal, the flow returns to the idle state.

Neither passage teaches switching between dedicated and shared channels dependent upon whether shared channels operate on a mode of acknowledgement of receipt of data received.

The present invention according to amended claim 1 provides a useful alternative. As indicated on present application page 6 lines 17 to 26, in some embodiments such acknowledgements constitute additional traffic, making it more likely for dedicated channels to be used/transferred to. In some situations, switching to dedicated channels can advantageously improve efficiency by reducing the amount of such acknowledgement signalling, see also present application page 2 line 27 to page 3 line 5.

Furthermore, claim 1 requires "deciding, dependent upon said value.... to make the transfer" where said value is the "value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay" (emphasis added). Wallentin does not disclose measurement of signal attenuation or propagation delay, nor use of either of those in deciding whether to transfer between dedicated and shared channels. On the contrary, Wallentin apparently discloses switching between dedicated and shared channels dependent on other things, for example: amount of data to be sent, packet flow parameters e.g. time interval between packets (Wallentin column 2 lines 30-column 3 line 10), and requested quality of service parameters such as maximum and average bit rate, delay parameters, etc. (column 10 lines 56 to 60).

Claims 2 to 5

Claim 4 is canceled.

Claims 2, 3 and 5 are patentable not least on the basis that they each depend on an allowable amended independent claim 1.

Claim 6

Amended claim 6 is a combination of previous claims 6 and 9 subject to some relatively minor clarifications of wording. Amended claim 6 is an apparatus claim amended basically into line with amended method claim 1.

The arguments presented above in support of amended claim 1 apply in respect of amended claim 6 also *mutatis mutandis*.

Claims 7 to 10

Claim 9 is canceled.

Dependent claims 7, 8 and 10 are patentable not least on an allowable independent claim 6.